

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

NORWOOD WYATT

C.A. No. 05-655-KAJ

Plaintiff,

JURY OF 12 DEMANDED

V.

**FIRST CORRECTIONAL MEDICAL and
DR. SITTA GOMBEH ALI**

Defendants,

MOTION TO STRIKE

Pursuant to F.R.C.P.7(a), defendant First Correctional Medical moves the Court for an order striking Plaintiff's Reply to Defendant's Motion for Dismissal, D.I. 15, for the following reasons:

1. F.R.C.P.7(a) allows a complaint and an answer. A reply is permitted where there is a counter-claim. An answer by a co-defendant is permitted where there is a cross-claim. F.R.C.P.7(a) provides “no other pleadings shall be allowed, except that the Court may order a reply to an answer”

2. In this action, the plaintiff has filed a complaint. Defendant First Correctional Medical answered that Complaint. To date, First Correctional Medical has not filed a Motion to Dismiss.

3. The federal rules do not provide for a reply from the plaintiff in response to defendant First Correctional Medical's Answer, nor has this Court ordered plaintiff to file a reply to First Correctional Medical's Answer. For the aforementioned reasons, defendant First Correctional Medical requests that this Court strike Plaintiff's Reply to Defendant's Motion for Dismissal from the record of this case.

McCULLOUGH & McKENTY, P.A.

/s/ Dana Spring Monzo

Dana Spring Monzo

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P.O. Box 397

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(302) 655-6749

Attorney for Defendant First Correctional Medical

Date: August 1, 2006

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Defendants,

ORDER

And now this _____ day of _____, 2006 having considered
Defendant, First Correctional Medical's Motion to Strike and any opposition thereto,

IT IS HEREBY ORDERED that Defendant, First Correctional Medical's Motion to Strike is granted.

J.

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Defendants,

CERTIFICATE OF SERVICE

I, **DANA SPRING MONZO**, hereby certify that on the 1st day of August, 2006, a copy of the attached ***Motion to Strike*** was served upon the following:

Via U.S. Mail
Norwood Wyatt
SBI# 167137
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

McCULLOUGH & McKENTY, P.A.

/s/ Dana Spring Monzo
Dana Spring Monzo
1225 N. King Street, Suite 1100
P.O. Box 397
Wilmington, DE 19899-0397
(302) 655-6749
Attorney for Defendant First Correctional Medical

Dated: August 1, 2006